PART IV

Section 1-B

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

(LAW DEPARTMENT).

No LAW 133 LCA 62, dated Bangalore, 29th December, 1962

Ordered that the Pondicherry (Administration) Act, 1962 (49 of 1962), which has been published in the *Gazette of India*, Extraordinary, Part II, Section 1, dated the 6th December 1962, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

S. SRIPADARAJ,
Under Secy to Govt., L D.

Assented to on 5th December 1962. Act No 49 of 1962.

THE PONDICHERRY (ADMINISTRATION) ACT, 1962

(49 OF 1962)

AN

ACT

to provide for the administration of Pondicherry and for matters connected therewith.

BE IT enacted by Parliament in the Thirteenth Year of the Republic of India as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Pondicherry (Administration) Act, 1962.

(2) It extends to the whole of Pondicherry

(3) It shall be deemed to have come into force on the 16th day of August, 1962.

2. Definitions.—In this Act unless the context otherwise requires,—

(*a*) "Administrator" means the Administrator of Pondicherry appointed by the President under article 239 of the Constitution,

(*b*) "appointed day" means the 16th day of August, 1962, being the date of entry into force of the Treaty of Cession,

(*c*) "former French Establishments" means the territories which immediately before the appointed day were comprised in the French Establishments in India known as Pondicherry, Karikal, Mahe and Yanam,

(*d*) "High Court" means the High Court at Madras,

(*e*) "law" means any Act, Ordinance, Regulation, rule, order, bye-law, decree or other provision (by whatever name called) having the force of law;

(*f*) "Pondicherry" means the Union territory comprising the territories of the former French Establishments;

(*g*) "Treaty of Cession" means the treaty concluded between France and India on the 28th day of May, 1956, establishing the cession of the French Establishments by France to India in full sovereignty

3 Officers and functionaries in relation to Pondicherry.—Without prejudice to the powers of the Central Government to appoint from time to time such officers and authorities as may be necessary for the administration of Pondicherry, all courts, tribunals, authorities and officers, whether in India or in the former French Establishments, who immediately before the appointed day, were exercising lawful functions in connection with the administration of those Establishments or any part thereof, including the Council of Government and the Representative Assembly, shall unless otherwise directed at any time by the Central Government or the Administrator in relation to any such

court, tribunal, authority or officer, or until other provision is made by law, continue to exercise in connection with the administration of Pondicherry their respective powers and jurisdiction and perform their respective duties and functions in the same manner and to the same extent as before the appointed day with such altered designation, if any, as that Government may determine

4 Continuance of existing laws and their adaptation.—(1) All laws in force immediately before the appointed day in the former French Establishments or any part thereof shall continue to be in force in Pondicherry until amended or repealed by a competent Legislature or other competent authority

Provided that references in any such law to the President or Government of the French Republic shall be construed as references to the Central Government, references to the Governor of the French Establishments in India, to the Commissioner of the Republic for the French Establishments in India, to the Chief Commissioner for the French Establishments, to the Chief Commissioner of the State of Pondicherry or to the Chief Commissioner, Pondicherry shall be construed as references to the Administrator of Pondicherry and references to the State of Pondicherry shall be construed as references to Pondicherry

(2) For the purpose of facilitating the application of any such law in relation to the administration of Pondicherry and for the purpose of bringing the provisions of any such law into accord with the provisions of the Constitution, the Central Government may, within three years from the appointed day, by order, make such adaptations and modifications, whether by way of repeal or amendment, as may be necessary or expedient and thereupon every such law shall have effect subject to the adaptations and modifications so made

5. Property and assets.—For the avoidance of doubt, it is hereby declared that all property and assets within Pondicherry which, immediately before the appointed day, vested

in the Government of the French Republic shall save as otherwise expressly provided in the Treaty of Cession, vest in the Union

6 Rights and obligations —Subject to the provisions of the Treaty of Cession, all rights, liabilities and obligations of the Government of the French Republic in relation to or arising out of the administration of the former French Establishments shall, as from the appointed day be the rights, liabilities and obligations of the Central Government.

7 Continuance of existing taxes.—All taxes, duties, cesses and fees which, immediately before the appointed day, were being lawfully levied in the former French Establishments or any part thereof shall continue to be levied in Pondicherry and to be applied to the same purposes, until other provision is made by a competent Legislature or other competent authority.

8 Power to extend enactments to Pondicherry.—The central Government may, by notification in the Official Gazette, extend with such restrictions and modifications as it thinks fit, to Pondicherry any enactment which is in force in a State at the date of the notification.

9 Extension of the jurisdiction of Madras High Court to Pondicherry —As from the 6th day of November, 1962, the jurisdiction of the High Court shall extend to Pondicherry.

10 Jurisdiction of High Court —(1) Without prejudice to the generality of the provisions of section 9, the High Court shall have, in respect of Pondicherry, all such jurisdiction as under the law in force immediately before the appointed day was exercisable in respect of the former French Establishments by the Cour de Cassation, the Cour Superieur d' Arbitrage and the Conseil d' Etat of France :

Provided that while determining appeals from decisions of courts and tribunals in Pondicherry, the High Court shall, as far as may be, follow the same procedure and have the same power to pass any judgment, decree or order thereon, as it

follows and has while determining appeals from decisions of courts in the State of Madras

(2) All appeals and other proceedings from or in respect of any judgment, decree or order of any court or tribunal in the former French Establishments pending immediately before the appointed day before the Cour de Cassation or the Cour Superieur d' Arbitrage or the Conseil d' Etat of France and all original proceedings in relation to those Establishments pending immediately before the appointed day before the Conseil d' Etat shall, by virtue of this Act, stand transferred to the High Court and shall be disposed of by the High Court in the exercise of jurisdiction conferred on it by this Act, as if such appeals and other proceedings had been filed before the High Court.

Explanation —All appeals and other proceedings filed before the appointed day but not transmitted the Cour de Cassation or the Cour Superieur d' Arbitrage or the Conseild' Etat shall be deemed to be appeals or proceedings, as the case may be, pending before that Court for the purposes of this sub-section.

11 Advocates entitled to practise before High Court.— Notwithstanding anything contained in the Advocates Act, 1961(25 of 1961), but subject to such rules as may be framed by the High Court, any person who is entitled to practise before the Tribunal Superieur d' Appel at Pondicherry shall be recognised as an advocate entitled to practise in the High Court in relation to cases coming before the High Court from Pondicherry.

12. Power of High Court to make rules —The High Court may, from time to time, make rules, consistent with this Act, to provide for all or any of the following matters, namely —

(*a*) the translation of any papers filed in the High Court and the preparation of paper books for hearing all appeals and the copying, typing or printing of any such papers or translation and the recovery from the persons at whose instance or on whose behalf papers are filed of the expenses thereby incurred,

(*b*) the court-fees payable for instituting proceedings in the High Court, the fees to be charged for processes issued by the High Court or by any officer of the court and the amount payable in any proceeding in the High Court in respect of fees of the advocate of any party to such proceeding,

(*c*) the procedure to be followed in the High Court,

(*d*) the approval, admission, enrolment, removal and suspension of advocates from Pondicherry.

13. Validation of certain orders and decrees.—(1) Every order or decree purported to have been made by the Cour de Cassation, the Cour Superieur d' Arbitrage or the Conseil d' Etat of France during the period commencing on the first day of November, 1954, and ending on the appointed day, in any appeal or other proceeding from, or in respect of any judgment, decree or order of any court, tribunal or other authority in the former French Establishments shall be deemed to have been validly made, in accordance with law , and shall for all purposes have effect as if it were an order or a decree made by the High Court in the exercise of the jurisdiction conferred by this Act

(2) Notwithstanding anything contained in sub-section (1), where any decision has been rendered after the 17th March, 1960, by any court in France in any case in which the respondent had no opportunity to appear for want of service of summons transmitted through the administration of the former French Establishments, such decision shall be deemed never to have been rendered and shall be deemed to be pending before the court by which such decision was rendered and accordingly stand transferred to the High Court or, as the case may be, to the court in Pondicherry corresponding to the court in France in which the case shall be deemed to be pending.

(3) As soon as may be after the 6th day of November, 1962, the Administrator shall transmit to the High Court or, as the case may be, to the corresponding court, the record of every such case as is referred to in sub-section (2), together with a certificate that the summons in that case was not served on the respondent

14. Limitation for appeals.—(1) The periods of limitation for appeals to the High Court shall be as set out below —

S No	Description of appeal	Period of limitation	Time from which period begins to run
1.	Civil Appeal against any judgment or order	90 days	The date of the judgemet or order
2	Criminal Appeal against a sentence of death.	7 days	The date of sentence.
3	Criminal Appeal against any sentence or order other than a sentence of death	30 days	The date of the sentence or order
4	Criminal Appeal against an order of acquittal.	90 days	The date of the order of acquittal
5	Labour Appeal under section 207 of the French Labour Code, 1952	30 days	The date of the judgment or order
6	Labour Appeal under section 216 of the French Labour Code, 1952	30 days	The date on which the report and the recommendation of the expert are communicated to the party appealing
7	Appeal against judgment or order of the Administrative Tribunal at Pondicherry	90 days	The date of the judgment or order

(2) Except in the case of a Criminal Appeal against a sentence of death, in computing the period of limitation, the time taken for obtaining a certified copy of the judgment, order, report and recommendation, appealed against, as the case may be, shall be excluded.

(3) In the case of an appeal preferred by an accused person under sentence and in custody, the date on which he lodges the memorandum of appeal with the Superintendent of the Jail in which he is detained shall be deemed to be the date of presentation of the appeal in the High Court

(4) Any appeal may be admitted after the period of limitation prescribed therefor when the appellant satisfies the Court that he had sufficient cause for not preferring the appeal within such period.

15 Saving of limitation in certain cases —In computing the period of limitation under section 14 or under any other law, any period during which an appeal could not be filed or a proceeding could not be instituted because the jurisdiction of the High Court did not extend to Pondicherry shall be excluded

16. Rule of construction.—References in any law in force in Pondicherry to the Cour de Cassation, the Cour Superieur d' Arbitrage or the Conseil d' Etat shall be construed as references to the High Court.

17. Power to construe laws —For the purpose of facilitating the application of any law in relation to Pondicherry, any court or other authority may construe any such law in such manner not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority

18. Effect of other laws —The provision of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law in force in Pondicherry.

19. Power to remove difficulties —(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make any such provisions as appear to it to be necessary or expedient for removing the difficulty

(2) Any order under sub-section (1) may be made so as to be retrospective to any date not earlier than the appointed day.

20 (1) Repeal and saving —The Pondicherry (Administration) Ordinance, 1962 (8 of 1962) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

R. C S SARKAR,
Secretary to the Government of India